

Kevin Meyer
Lieutenant Governor
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Anchorage, Alaska 99501
907.269.7460
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Triptaa Surve
Department of Health and Social Services

FROM: April Simpson, Office of the Lieutenant Governor
465.4081 

DATE: January 7, 2020

RE: Filed Permanent Regulations: Department of Health and Social Services
Department of Health and Social Services Regulation re: Div. of Public Assistance: Child
Care Facilities Licensing (7 AAC 57)

Attorney General File: 2019200489
Regulation Filed: 1/7/2020
Effective Date: 2/6/2020
Print: 233, April 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

The attached 2 pages of regulations, dealing with the Child Care Facilities Licensing, are adopted and certified to be a correct copy of the regulation changes that the Department of Health & Social Services adopts under the authority of AS 44.29.020, AS 47.32.010, and AS 47.32.030, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Health & Social Services paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 12/30/19



Adam Crum
Commissioner,
Department of Health & Social Services

FILING CERTIFICATION

April Simpson for

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

January 7, 2020, at 2:30pm., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

April Simpson for
for Lieutenant Governor Kevin Meyer

Effective: February 6, 2020.

Register: 233. April 2020.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 11th, 2018.



Kevin Meyer

**KEVIN MEYER
LIEUTENANT GOVERNOR**

**Title 7 Health and Social Services.
Chapter 57. Child Care Facilities Licensing.**

7 AAC 57.350(f) is amended to read:

(f) Except as provided in the training requirements of 7 AAC 57.300 for the administrator, and of 7 AAC 57.330 for a child care associate, a child care center, child care group home, or child care home shall ensure that each administrator, child care associate, and caregiver receives at least 24 hours of **annual** training relevant to child care and development, **at least one hour of which must be on one of the health and safety training topics identified in (a)(4) of this section** [EACH YEAR], based on the individual's hire date with the facility. **Except as provided in (j) of this section, the** [THE] 24 hours must be in addition to the orientation and training required under (a) of this section and the training in first aid and CPR required under (e) of this section. The annual training requirements of this subsection may be satisfied each year by obtaining college credit relevant to child care and development **if approved by the department. Approved coursework must include at least one of the health and safety training topics identified in (a)(4) of this section.**

7 AAC 57.350(i) is amended to read:

(i) In addition to meeting the requirements of (a) and (b) of this section, a part-time caregiver working 15 hours or less a week shall complete at least 12 hours of **annual** training relevant to child care and development, **at least one hour of which must be on one of the health and safety training topics identified in (a)(4) of this section** [EACH YEAR], based on the individual's hire date with the facility. The annual training requirements of this subsection may be satisfied each year by obtaining college credit relevant to child care and development **if**

approved by the department. Approved coursework must include at least one of the health and safety training topics identified in (a)(4) of this section.

7 AAC 57.350(j) is amended to read:

(j) An administrator, child care associate, or caregiver may count **up to six hours of the** orientation and pre-service training hours required under 7 AAC 57.030(a) **for the first year's** [THAT EXCEED SIX HOURS TOWARD] training hours required under (f) of this section.

(Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218; am 9/30/2018, Register 227; am 2 / 6 /2020, Register 233)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 57.350 is amended by adding an editor's note to read:

Editor's note: A copy of the approved list of health and safety training courses may be obtained from the Department of Health and Social Services, Child Care Program Office, Division of Public Assistance, Frontier Building, 3601 C St., Suite 140, Anchorage, AK 99503; telephone number (907) 269-4500, or may be viewed at that office or on the internet at <http://dhss.alaska.gov/dpa/Pages/ccare/default.aspx>.

MEMORANDUM

State of Alaska
Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: January 6, 2020

File No.: 2019200489

Tel. No.: 465-3600

From: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Re: Department of Health and Social
Services Regulation re: 7 AAC 57:
Div. of Public Assistance: Child
Care Facilities Licensing

The Department of Law has reviewed the attached regulations of the Department of Health and Social Services against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Health and Social Services after the close of the public comment period. The regulations concern minimum training hours required to comply with the Child Care and Development Fund plan requirements. The amendments do not create additional training requirements; they simply specify that one hour of the already required training hours must be in a health and safety training topic. The amendment to 7 AAC 57.350(j) allows for six hours of initial-year training to count for purposes of the 24 hour annual training.

The public notice and adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SRP:sjw

Honorable Kevin Meyer, Lieutenant Governor

January 6, 2020

Re: 7 AAC 57: Div. of Public Assistance: Child Care Facilities Licensing

Page 2 of 2

cc: Honorable Adam Crum, Commissioner,
Department of Health and Social Services

Triptaa Surve, Regulations Contact
Department of Health and Social Services

Stacie Collier, Child Care Licensing Program Manager
Department of Health and Social Services

Kimberly Allen, Assistant Attorney General
Human Services Section

NOTICE OF PROPOSED CHANGES ON CHILD CARE FACILITIES LICENSING
IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to change regulations on child care facilities licensing related to annual health and safety training requirements for child care providers.

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with Child Care Facilities Licensing, including the following:

- 7 ACC 57.350. Orientation and training, is proposed to be changed as follows: clarify annual health and safety training requirements for child care providers.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Department of Health & Social Services, Child Care Program Office, 3601 C St., Suite 140, Anchorage, AK 99503. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 269-4536 and by electronic mail at nicole.fritz@alaska.gov. The comments must be received not later than 5 p.m. on August 29, 2019.

Oral or written comments also may be submitted at a hearing to be held on August 15, 2019, at conference room 890, 3601 C Street, Anchorage, AK 99503. The hearing will be held from 1:00 p.m. to 3 p.m. and might be extended to accommodate those present before 3 p.m. who did not have an opportunity to comment. If you are unable to attend in person, but would like to comment during the oral public hearing, you can call the teleconference number 1-800-707-7427 (Toll Free).

You may submit written questions relevant to the proposed action to Ms. Nicole Fritz by e-mail at nicole.fritz@alaska.gov or at the Department of Health & Social Services, Child Care Program Office, 3601 C St., Suite 140, Anchorage, AK 99503. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/> and its website at <http://dhss.alaska.gov/dpa/Pages/ccare/default.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Nicole Fritz at nicole.fritz@alaska.gov or by telephone at (907) 269-7667 not later than June 10, 2019, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Nicole Fritz at nicole.fritz@alaska.gov or by telephone at (907) 269-7667.

A copy of material proposed for adoption by reference is available on the Alaska Online Public Notice System and may be viewed at the agency's office at the Department of Health & Social Services, Child Care Program Office, 3601 C St., Suite 140, Anchorage, AK 99503.

After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 44.29.020; AS 47.32.010; AS 47.32.030.

Statutes being implemented, interpreted, or made specific: AS 44.29.020; AS 47.32.010; AS 47.32.030.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

The Department of Health & Social Services, Division of Public Assistance, Child Care Program Office, keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Division of Public Assistance, Child Care Program Office notices of proposed regulation changes. To be added to or removed from the list, send a request to the Department of Health & Social Services, Division of Public Assistance, Child Care Program Office at nicole.fritz@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

DATE:

Aug 17, 2019.



Adam Crum
Commissioner,
Department of Health & Social Services

NOTICE OF PROPOSED CHANGES ON CHILD CARE FACILITIES LICENSING
IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

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DATE:

July 17, 2019.



Adam Crum
Commissioner,
Department of Health & Social Services

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Health & Social Services.
2. General subject of regulation: Child Care Facilities Licensing.
3. Citation of regulation (may be grouped): 7 AAC 57.
4. Department of Law file number, if any: 2019200489.

5. Reason for the proposed action:
 - (X) Compliance with federal law or action (identify): Child Care & Development Block Grant Act of November 2014
 - () Compliance with new or changed state statute
 - () Compliance with federal or state court decision (identify): _____
 - () Development of program standards
 - () Other (identify): _____

6. Appropriation/Allocation: N/A

7. Estimated annual cost to comply with the proposed action to:

Estimated annual costs will vary depending on health and safety training and certification, administrator oversight of one (1) child care facility only, continuing education requirement, child-to-caregiver ratio, and a provider establishing their own business practices.

A private person: \$0.
 Another state agency: \$0.
 A municipality: \$0.

8. Cost of implementation to the state agency and available funding (in thousands of dollars): \$0.


	Initial Year FY _____	Subsequent Years
Operating Cost	\$ _____	\$ _____
Capital Cost	\$ _____	\$ _____
1002 Federal receipts	\$ _____	\$ _____
1003 General fund match	\$ _____	\$ _____
1004 General fund	\$ _____	\$ _____
1005 General fund/ program	\$ _____	\$ _____
Other (identify)	\$ _____	\$ _____

9. The name of the contact person for the regulation:

Name: Nicole Fritz
Title: Program Coordinator I
Address: 3601 C Street, Suite 140, Anchorage AK 99516.
Telephone: (907) 269-7667
E-mail address: nicole.fritz@alaska.gov

10. The origin of the proposed action:

Staff of state agency
 Federal government
 General public
 Petition for regulation change
 Other (identify): _____

11. Date: July 11, 2019 Prepared by: 
[signature]
Name (printed): Nicole Fritz
Title (printed): Program Coordinator I
Telephone: 907-269-7667

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 270229

Order #: W0010734

Cost: \$463.18

STATE OF ALASKA
THIRD JUDICIAL DISTRICT


Joleesa Stepetin being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said new

07/17/2019 - 07/17/2019

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed 

Subscribed and sworn to before me
this 17th day of July 2019.


Notary Public in and for
The State of Alaska.

Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

7/14/2020

STATE OF ALASKA
NOTARY
PUBLIC
Jada L. Nowling

NOTICE OF PROPOSED CHANGES ON CHILD CARE FACILITIES LICENSING IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

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DATE: July 12, 2019.
/s/Adam Crum
Commissioner,
Department of Health & Social Services.

PUBLISHED: JULY 17, 2019

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION


I, Nicole Fritz, Program Coordinator I, of the Department of Health & Social Services, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 7 AAC 57. Child Care Facilities Licensing, has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1).

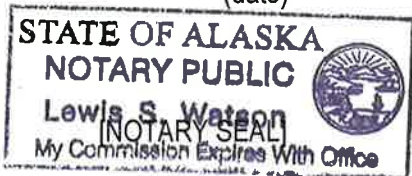
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 9/12/19



Nicole Fritz, Program Coordinator I

Subscribed and sworn to before me at Anchorage, Alaska
on September 12, 2019
(date)





Notary Public in and for the State of Alaska

AFFIDAVIT OF ORAL HEARING

I, Nicole Fritz, Program Coordinator I, of the Department of Health & Social Services, being sworn, state the following:

On August 15, 2019, at 1:00 p.m. in room 890, Department of Health & Social Services, 3601 C Street, Anchorage, AK 99503, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 7 AAC 57. Child Care Facilities Licensing.

Date: 9/11/19

Nicole Fritz
Nicole Fritz, Program Coordinator I

Subscribed and sworn to before me at Anchorage, Alaska
on September 12, 2019
(date)

[Signature]
Notary Public in and for the State of Alaska



AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Nicole Fritz, Program Coordinator I, of the Department of Health & Social Services, being sworn, state the following:

In compliance with AS 44.62.215, the Department of Health & Social Services has kept a record of its use or rejection of factual or other substantive information that was submitted in writing and orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Health & Social Services regulation on 7 AAC 57. Child Care Facilities Licensing.

Date: 9/12/19

Nicole Fritz
Nicole Fritz, Program Coordinator I

Subscribed and sworn to before me at Anchorage, Alaska

on September 12, 2019

(date)

Lewis S. Watson

Notary Public in and for the State of Alaska

